

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

CIVIL APPLICATION NO.2872 OF 2004
IN
FIRST APPEAL NO.707 OF 1996

The Shipping Corporation of India Ltd.).. Applicants

Versus

Madan Karson).. Respondent

Mr.Tariq Baig i/b.M/s.Bhatt & Saldanha for the
Applicants.

Mr.N.M.Ganguli for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 2ND SEPTEMBER 2004

P.C.:

. This Civil Application has been taken out for restoration of the First Appeal. A grievance has been made that the matter was not shown on 18th June 2004 on the board although it was adjourned on 17th June 2004 to 18th June 2004. This is normally not the practice to show a matter which is appearing on the weekly board again on the daily board even though it is adjourned to the next date. Moreover, nothing has been mentioned in the Civil Application as to why there was a delay in filing the Civil Application for over two months. Mr.Baig for the Applicants submits that it was probably the fault of the Advocates on record and the Applicants

should not be penalised for the fault of the Advocates.

2. Heard Advocates.

3. I am of the view that in the interest of justice Civil Application be allowed and First Appeal No.707 of 1996 be restored to file on condition of payment of cost quantified at Rs.3,000/- (Rupees Three Thousand only).

4. Civil Application disposed of accordingly.